

**ORDER OF HEALTH OFFICER  
4-2020 AMENDED**

WHEREAS, the World Health Organization has declared the worldwide outbreak of COVID-19 Novel Coronavirus a pandemic;

WHEREAS, as of June 24, 2020, the John Hopkins Map indicates there are over 2,348,958 cases and 121,279 deaths in the United States;

WHEREAS, every state in the United States is experiencing confirmed cases of COVID-19;

WHEREAS, the Montana Department of Public Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana;

WHEREAS, there are 766 confirmed cases of COVID-19 in the State of Montana and 24 confirmed cases of COVID-19 in Lewis and Clark County;

WHEREAS, the Lewis and Clark Public Health Command has activated response plans and protocols to prepare for cases of COVID-19 in Lewis and Clark County:

WHEREAS, the Lewis and Clark Public Health Command has also worked to identify, contact, and test individuals in Lewis and Clark County who have been potentially exposed to COVID-19 in coordination with the State of Montana Department of Public Health and Human Services and the CDC;

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of Lewis and Clark and its people;

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death and is a new strain of Coronavirus that had not been previously identified in humans and can easily spread from person-to-person;

WHEREAS, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high" and has advised that person-to-person spread of the COVID-19 will continue to occur globally,

including within the United States, Montana, and Lewis and Clark County;

WHEREAS, the circumstances of this outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of Lewis and Clark County;

WHEREAS, based upon all of the above, the Governor of the State of Montana, in consultation with public health authorities, has ordered non-essential social and recreational gatherings of individuals outside of a home or place of residence of greater than fifty (50) people not advisable, if a distance of at least six (6) feet between individuals cannot be maintained;

WHEREAS, the City-County of Lewis and Clark Board of Health has the duty to protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

WHEREAS, the City-County of Lewis and Clark Board of Health has determined that the potential spread of COVID-19 constitutes a public health emergency and actions must be taken to avert and minimize the outbreak of this communicable disease and;

WHEREAS, pursuant to Section 50-2-118 of the Montana Code Annotated, a local health officer in carrying out the purpose of the public health system shall take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and cancelling events;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Title 50, Chapter 2, Part 1, and specifically Section 50-2-118 of the Montana Code Annotated,

the Lewis and Clark City-County Health Officer, in conjunction with the Lewis and Clark City-County Board of Health, hereby orders City-County Law Enforcement Agencies to prioritize arrests according to the follow guidelines:

## **1. WARRANTS OF ARREST**

Unless the arresting officer believes an arrest is necessary to preserve the peace or prevent violence, execute only warrants with a bail amount of \$10,000.00 or more regardless of the court issuing the warrant.

Execute probation warrants for violent offenders only;

Before executing a warrant issued by a non-Montana court with a bail amount of \$10,000 or more, confirm the warrant is valid; the originating agency will extradite; and the underlying charge is a violent, sexual or custodial interference offense.

If possible, if the warrant is issued by a court of limited jurisdiction within Lewis and Clark County, bring the defendant to the local court for an initial appearance BEFORE booking.

The LEA should make all other defendants aware of the warrant(s) and if issued by a court located within Lewis and Clark County, issue a *Notice to Appear* directing the defendant(s) to appear:

- a) To a local court of limited jurisdiction within Lewis and Clark County for a date after July 31, 2020.
- b) For a district court warrant for the following Wednesday at 8:30 a.m.

The LEA should provide copies of the notices to the prosecuting attorney's office and the clerks of the courts issuing the warrant

## **2. ARRESTS WITHOUT A WARRANT**

- a) Arrest defendants for all felonies if probable cause exists and violent misdemeanor offenses such as assault, PFMA, stalking, and Orders Of Protection violations;
- b) Arrest defendants for all DUI Offenses;
- c) Arrest for violations of "no contact orders" if in the LEA's discretion an arrest is necessary to preserve the peace and prevent violence;
- d) Arrest all defendants for misdemeanor offenses if in the Officer's discretion an arrest is necessary to preserve the peace or prevent violence.

- e) Arrest all defendants if directed by a state or local health officer to assist the health officer carry out the provisions of Title 50, Chapter 1, MCA.
- 3. When effecting or processing an arrest, follow the existing orders and directions of the Governor and Board of Health regarding safety while performing essential government operations, including, but not limited to:
  - a) Maintain "*Social Distancing*" and use of P.P.E. (Personal Protection Equipment) for symptomatic defendants who may become symptomatic based upon screening tools and questions adopted by the LEA's supervising chain of command, including, but not limited to affirmative answers to the following questions:
    - Do you have a fever or feel like you've been running one?
    - Do you have shortness of breath?
    - Do you have a cough, or have you had a cough in the last 14 days?
    - Have you recently associated with anyone who has these symptoms?
    - Do you have any of these other symptoms: chills, shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell?

**This Directive and Order shall be effective June 24, 2020, through July 31, 2020, pending further notification**

**This Order supersedes all prior Orders.**



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Drenda Niemann

HEALTH OFFICER FOR CITY-COUNTY OF Lewis and Clark, MONTANA